



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/705,867

11/13/2003

Stephane M. Arscnault

16358.14.1

6300

57137

7590

05/25/2007

WORKMAN NYDEGGER

60 E. SOUTH TEMPLE

SUITE 1000

SALT LAKE CITY, UT 84111

EXAMINER

SUN, XIUQIN

ART UNIT

PAPER NUMBER

2863

MAIL DATE

DELIVERY MODE

05/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/705,867	Applicant(s) ARSENAULT ET AL.	
	Examiner Xiuqin Sun	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 11-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Per Applicants' response dated 04/04/2007, a provisional election was made without traverse to prosecute invention I claims 1-10 and 29. Claims 11-28 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

2. The information disclosure statement filed 03/11/2004 fails to comply with 37 CFR 1.98(a)(2), which requires that any information disclosure statement filed shall include a legible copy of: **(i) Each foreign patent;** (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) All other information or that portion which caused it to be listed. Therefore, the IDS has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodgers et al. (U.S. Pat. No. 6,493,650 B1).

Regarding claim 1, Rodgers et al. disclose: a surveying system for generating a computer model of a physical site, the system comprising (Abstract): a survey measurement device for determining a location of a selected feature relative to the survey measurement device (col. 6, lines 5-25); and a computer-aided drafting (CAD) module for modeling the physical site, the CAD module, including a CAD application program installed on a computer for receiving from the survey measurement device data related to the location of the selected feature, and for creating a corresponding object in the computer model, and a bi-directional communication interface between the CAD application program and the survey measurement device for communicating commands from the CAD application program to the survey measurement device and for communicating the data related to the location of the selected feature from the survey measurement device to the CAD application program (col. 7, lines 15-21; cols. 5-6, lines 58-3 and col. 9, lines 5-13).

Regarding claim 2, Rodgers et al. disclose: wherein the computer includes an interactive display for enabling the operator to interact with the model at the survey site and enabling the operator to control the survey measurement device by use of a graphical user interface associated with the CAD module (cols. 9-10, lines 60-19).

Regarding claim 3, Rodgers et al. disclose: wherein the bi-directional communication interface includes a wireless link (col. 3, lines 30-33; col. 5, lines 62-67).

Regarding claim 4, Rodgers et al. disclose: wherein the bi-directional communication interface includes a cable link (Fig 1; col. 5, lines 62-67).

Regarding claim 5, Rodgers et al. disclose: wherein the survey measurement device comprises a total station (cols. 5-6, lines 58-3).

Regarding claim 6, Rodgers et al. disclose: wherein the survey measurement device comprises a hand held laser measurement device (col. 9, lines 29-42).

Regarding claim 7, Rodgers et al. disclose: wherein the survey measurement device comprises a global positioning system based device (cols. 5-6, lines 58-44).

Regarding claim 8, Rodgers et al. disclose: wherein the survey measurement device comprises a high definition scanner (col. 11, lines 8-25; col. 9, lines 9-11).

Regarding claim 9, Rodgers et al. disclose: wherein the location of the selected feature and the corresponding object are represented in two dimensions (cols. 9-10, lines 60-19).

Regarding claim 10, Rodgers et al. disclose: wherein the location of the selected feature and the corresponding object are represented in three dimensions (cols. 9-10, lines 60-19).

Regarding claim 29, Rodgers et al. disclose: a method of marking features at a site corresponding to objects in a computer 15 model, the method comprising (Abstract): selecting, through interaction with a graphical user interface associated with a computer-aided drafting (CAD) module, an object in a computer model of the site pre-

Art Unit: 2863

loaded into the CAD module, the object corresponding to a feature at the site (col. 9, lines 5-13; cols. 9-10, lines 60-19); transmitting real world coordinates of the feature from the CAD module to a survey measurement device (col. 6, lines 5-25; col. 10, lines 32-37); commanding the survey measurement device to indicate a location of the feature (col. 10, lines 44-51); and marking the location (col. 10, lines 44-51).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/705,867

Page 6

Art Unit: 2863

XS

May 15, 2007

XS

Carol S.W. Tsai

CAROL S.W. TSAI
PRIMARY EXAMINER